

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

RICKY GLASS,

Plaintiff,

v.

CIVIL ACTION NO. 5:19-cv-00305

MIKE FRANCES and CODY BLEVINS
and BETSY JIVIDEN,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending is the Defendants' Motion to Dismiss Amended Complaint [Doc. 13]. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on December 2, 2019. Magistrate Judge Aboulhosn recommended that the Court grant the Defendants' Motion to Dismiss and remove this matter from the Court's active docket.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) (emphasis added) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made*."). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (parties may not typically "appeal a

magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 19, 2019. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [**Doc. 28**], **GRANTS** the Defendants' Motion to Dismiss [**Doc. 13**], and **ORDERS** the matter stricken from the Court's docket.

The Court directs the Clerk to transmit a copy of this Memorandum Opinion and Order to any counsel of record and any unrepresented party herein.

ENTERED: June 22, 2020



Frank W. Volk
Frank W. Volk
United States District Judge